

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 532

Introduced by Assembly Member V. Manuel Pérez

February 15, 2011

An act to add Section 52052.7 to the Education Code, relating to pupil assessments.

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as amended, V. Manuel Pérez. Pupil assessments.

Existing law, the Public Schools Accountability Act of 1999, provides a state assessment program for schools, an intervention program for low-performing schools, and a reward system for high-achieving schools, as specified.

This bill would require California's assessments to be valid, reliable, and comparable—assessments for pupils who are limited-English-proficient and for pupils with developmental disabilities. The bill would require any primary language assessment developed by the ~~department~~ *State Department of Education* and administered to limited-English-proficient pupils, as identified pursuant to existing law, to be included in the state's assessment system, or in any successor system, and in any measure or index developed or used for the state's federal and state accountability system and any successor system. ~~The bill would require the results of the primary language assessment to be used in any measure or results reported for the state's assessment system or in any successor system. The bill would also require the results to be used in any measure, index, or results reported for the state's federal and state accountability system, or any successor system. The bill would also require any successor system to the state's assessment system~~

adopted on or after the effective date of this act to include modifications and accommodations, as specified. The bill would require any advisory committee, work group, task force, and technical assistance group that provides recommendations to the Superintendent of *Public Instruction* and the ~~state board~~ *State Board of Education* on future state and federal assessment and accountability systems to ~~determine~~ *make* specified ~~things~~ *determinations*. The bill would require the testing contractor chosen for the purpose of developing the primary language assessments to report to the state board in writing as to how certain requirements regarding validity, reliability, and comparability were met.

The bill would make these provisions operative on July 1, 2012.

This bill would also make various findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The federal No Child Left Behind Act of 2001 (20 U.S.C.
- 4 Sec. 6301 et seq.) requires states to test all pupils in a valid and
- 5 reliable manner and requires, to the extent practicable, that pupils
- 6 with limited English proficiency be tested in the language and
- 7 form most likely to yield accurate data on their academic subject
- 8 area knowledge.
- 9 (2) Approximately one of every four pupils enrolled in
- 10 California's public schools is identified as a pupil with limited
- 11 English proficiency.
- 12 (3) The current academic assessment system does not allow
- 13 pupils with limited English proficiency to accurately demonstrate
- 14 their abilities in academic subject areas.
- 15 (4) Exclusive reliance on academic assessments designed for
- 16 native English speakers to gauge the academic progress of pupils
- 17 with limited English proficiency violates standards for educational
- 18 testing established by recognized national educational institutions,
- 19 including the American Educational Research Association, the
- 20 American Psychological Association, and the National Council
- 21 on Measurement in Education.
- 22 (5) Valid and reliable academic assessment data is critical to
- 23 the education accountability system.

1 (6) An accountability system that would yield more accurate
2 data on the academic ability of pupils with limited English
3 proficiency is needed for instructional use and to meet federal
4 requirements.

5 (7) Local educational agencies should not experience negative
6 consequences solely based on the scores of recent immigrant pupils
7 on tests that do not provide valid and reliable diagnostic
8 information about what these pupils know and can do in academic
9 subject areas.

10 (b) California's current assessment and accountability system
11 will sunset in 2012 2013 and the development of a new generation
12 of assessments aligned to the recently approved common core
13 academic content standards is occurring at the federal level. Thus,
14 now is the time to comprehensively address the issue of valid and
15 reliable assessments for limited-English-proficient pupils.

16 (c) It is therefore the intent of the Legislature to bring the system
17 of assessing the academic progress of pupils with limited English
18 proficiency into alignment with the requirements of the federal
19 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
20 including the requirement that states test all pupils in a valid and
21 reliable manner and, to the extent practicable, in the language and
22 form most likely to yield accurate data on academic ability in
23 academic subject areas.

24 SEC. 2. Section 52052.7 is added to the Education Code, to
25 read:

26 52052.7. (a) California's state assessments shall be valid,
27 reliable, and comparable for pupils who are
28 limited-English-proficient and for pupils with developmental
29 disabilities, and the provision of accommodations shall enable
30 their participation in these state assessments pursuant to the core
31 assurances of the *federal* American Recovery and Reinvestment
32 Act of 2009 (Public Law 111-5). ~~California's state assessments~~
33 ~~shall also be aligned to the common core academic content~~
34 ~~standards approved by the state board pursuant to Section 60605.8.~~

35 (b) Any successor system to the state's assessment system
36 adopted on or after the effective date of this section shall include
37 modifications to the achievement test administered pursuant to
38 Section 60642.5 in order to eliminate linguistic complexity, to the
39 extent practicable. The modifications shall be based upon research
40 and be designed to maintain the rigor of the test.

(c) Any successor system to the state assessment system adopted on or after the effective date of this section shall include accommodations and modifications for limited-English-proficient pupils that will allow for meaningful participation in the English language assessments and that address the unique linguistic and sociocultural needs of the limited-English-proficient pupil without altering the test construct. The accommodations and modifications shall include, but not be limited to, all of the following:

(1) A word-to-word glossary, without definitions, in English and in the top five primary languages spoken by pupils who are English learners as determined by the language census taken pursuant to Section 52164 and submitted to the department by the local educational agencies. The glossary shall include frequently used general academic words as well as discipline-specific words used in the assessments.

(2) The repetition of test directions if requested by a pupil.

(3) Translations of the test directions in the ~~top primary five~~ *five most frequently occurring primary* languages spoken by pupils who are English learners as determined by the language census taken pursuant to Section 52164 and submitted to the department by the local educational agencies.

(d) The department shall provide to the districts the bilingual glossaries prepared pursuant to paragraph (1) of subdivision (c) and the translations of test directions prepared pursuant to paragraph (3) of subdivision (c). The department shall use appropriate federal funds for this purpose.

(e) (1) Any primary language assessment developed by the department and administered to pupils identified as limited-English-proficient, pursuant to subdivision (m) of Section 52163 and Sections 52164.1 and 60810, shall be included in the state's assessment system, or in any successor system, and shall be included in any measure or index that is developed or used for the purposes of the state's federal and state accountability system or any successor system. ~~In~~

(2) *In* addition to being identified as limited-English-proficient pursuant to subdivision (m) of Section 52163 and Sections 52164.1 and 60810, limited-English-proficient pupils who either receive instruction in their primary language or are literate in their primary language as determined by the results of the first administration of the primary language assessment pursuant to Section 52164.1,

1 and have been enrolled in a school in the United States for less
2 than three consecutive years, shall be included. Additionally, pupils
3 *authorized to take the primary language assessment.*

4 (3) *Pupils* who are not limited-English-proficient and who are
5 enrolled in public schools providing dual language immersion
6 programs shall be included. The results of the primary language
7 assessment shall be used in any measure or results reported for the
8 state's assessment system or any successor system, and shall be
9 used in any measure, index, or results reported for the state's
10 federal and state accountability system or any successor system.
11 *authorized to take the primary language assessment.*

12 (f) (1) Any advisory committee, work group, task force, or
13 technical assistance group required by the Legislature or the
14 Governor, or established by the Superintendent or state board for
15 the purpose of providing recommendations to the Superintendent
16 and the state board on the future state assessment and accountability
17 systems and federal accountability system, shall determine all of
18 the following:

19 (A) How to include primary language assessments and their
20 scores in the state's assessment system and any successor
21 assessment system and in the state and federal accountability
22 system and any successor accountability system.

23 (B) How to modify the state's successor assessment system as
24 specified in subdivision (b).

25 (C) How to include the accommodations and modifications in
26 the state's successor assessment system as specified in subdivision
27 (c).

28 (D) How to provide data on pupils who are English learners,
29 their program of instruction, and their English proficiency level
30 as determined by the California English Language Development
31 Test and how to include this data in the California Longitudinal
32 ~~Pupils~~ *Pupil* Achievement Data System developed pursuant to
33 Section 60900.

34 (E) How to provide disaggregated scores, based on
35 limited-English-proficient status, English language proficiency
36 levels, English-only pupils, fluent-English-proficient pupils, and
37 limited-English-proficient pupils who have been redesignated as
38 fluent-English-proficient.

39 (2) Any group identified in paragraph (1) ~~of subdivision (f)~~ shall
40 include persons with demonstrated expertise in developing

1 academic assessments specific to English learners and persons
2 with demonstrated experience in research and data specific to
3 English learners.

4 (g) The primary language assessments developed pursuant to
5 this section shall meet the requirements regarding validity,
6 reliability, and comparability as specified by the testing standards
7 jointly developed by the American Psychological Association, the
8 American Educational Research Association, and the National
9 Council on Measurement in Education. The testing contractor
10 chosen for the purpose of developing the primary language
11 assessments shall report to the state board in writing as to how
12 these requirements have been met.

13 (h) *This section shall become operative on July 1, 2012.*